

# SENATE BILL No. 291

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-32-2-1; IC 35-41-1-1.

**Synopsis:** Jurisdiction and venue. Provides that a person may be convicted under Indiana law of an offense if the offense: (1) involves the use of the Internet or another computer network and access to the Internet or other computer network occurs in Indiana; or (2) involves the use of the Internet or another computer network or another form of electronic communication, occurs outside Indiana at the time the victim of the offense is a resident of Indiana, and is sufficient to constitute an offense under Indiana law. Provides that if an offense is committed by use of the Internet or another computer network, the trial may be held in any county: (1) from which or to which access to the Internet or other computer network was made; or (2) in which any computer, computer data, computer software, or computer network that was used to obtain access to the Internet or other computer network is located. Provides that if an offense: (1) is committed by use of the Internet or another computer network or another form of electronic communication; and (2) occurs outside Indiana at the time the victim of the offense is a resident of Indiana, the trial may be held in the county where the victim resided at the time of the offense.

**Effective:** July 1, 2004.

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January 8, 2004, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 291

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 35-32-2-1, AS AMENDED BY P.L.98-2000,  
2       SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2004]: Sec. 1. (a) Criminal actions shall be tried in the county  
4       where the offense was committed, except as otherwise provided by law.  
5       (b) If a person committing an offense upon the person of another is  
6       located in one (1) county and ~~his~~ **the person's** victim is located in  
7       another county at the time of the commission of the offense, the trial  
8       may be in either of the counties.  
9       (c) If the offense involves killing or causing the death of another  
10      human being, the trial may be in the county in which the:  
11      (1) cause of death is inflicted;  
12      (2) death occurs; or  
13      (3) victim's body is found.  
14      (d) If an offense is committed in Indiana and it cannot readily be  
15      determined in which county the offense was committed, trial may be in  
16      any county in which an act was committed in furtherance of the  
17      offense.

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(e) If an offense is commenced outside Indiana and completed within Indiana, the offender may be tried in any county where any act in furtherance of the offense occurred.

(f) If an offense commenced inside Indiana is completed outside Indiana, the offender shall be tried in any county where an act in furtherance of the offense occurred.

(g) If an offense is committed on the portions of the Ohio or Wabash Rivers where they form a part of the boundaries of this state, trial may be had in the county that is adjacent to the river and whose boundaries, if projected across the river, would include the place where the offense was committed.

(h) If an offense is committed at a place which is on or near a common boundary which is shared by two (2) or more counties and it cannot be readily determined where the offense was committed, then the trial may be had in any county sharing the common boundary.

(i) If an offense is committed on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more counties, the trial may be held in any county sharing the common boundary.

**(j) If an offense is committed by use of the Internet or another computer network (as defined in IC 35-43-2-3(a)), the trial may be held in any county:**

- (1) from which or to which access to the Internet or other computer network was made through wires, electromagnetic waves, microwaves, or any other means of communication; or**
- (2) in which any computer, computer data, computer software, or computer network that was used to obtain access to the Internet or other computer network is located.**

**(k) If an offense:**

**(1) is committed by use of:**

**(A) the Internet or another computer network (as defined in IC 35-43-2-3(a)); or**

**(B) another form of electronic communication; and**

**(2) occurs outside Indiana at the time the victim of the offense is a resident of Indiana;**

**the trial may be held in the county where the victim resided at the time of the offense.**

SECTION 2. IC 35-41-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) As used in this section, "Indiana" includes:

- (1) the area within the boundaries of the state of Indiana, as set forth in Article 14, Section 1 of the Constitution of the State of

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- Indiana;
- (2) the portion of the Ohio River on which Indiana possesses concurrent jurisdiction with the state of Kentucky under Article 14, Section 2 of the Constitution of the State of Indiana; and
- (3) the portion of the Wabash River on which Indiana possesses concurrent jurisdiction with the state of Illinois under Article 14, Section 2 of the Constitution of the State of Indiana.
- (b) A person may be convicted under Indiana law of an offense if:
- (1) either the conduct that is an element of the offense, the result that is an element, or both, occur in Indiana;
- (2) conduct occurring outside Indiana is sufficient under Indiana law to constitute an attempt to commit an offense in Indiana;
- (3) conduct occurring outside Indiana is sufficient under Indiana law to constitute a conspiracy to commit an offense in Indiana, and an overt act in furtherance of the conspiracy occurs in Indiana;
- (4) conduct occurring in Indiana establishes complicity in the commission of, or an attempt or conspiracy to commit, an offense in another jurisdiction that also is an offense under Indiana law;
- or
- (5) the offense consists of the omission to perform a duty imposed by Indiana law with respect to domicile, residence, or a relationship to a person, thing, or transaction in Indiana;
- (6) conduct that is an element of the offense or the result that is an element, or both, involve the use of the Internet or another computer network (as defined in IC 35-43-2-3(a)) and access to the Internet or other computer network through:**
- (A) wires;**
- (B) electromagnetic waves;**
- (C) microwaves; or**
- (D) any other means of communication;**
- occurs in Indiana; or**
- (7) conduct:**
- (A) involves the use of:**
- (i) the Internet or another computer network (as defined in IC 35-43-2-3(a)); or**
- (ii) another form of electronic communication;**
- (B) occurs outside Indiana at the time the victim of the offense is a resident of Indiana; and**
- (C) is sufficient under Indiana law to constitute an offense in Indiana.**
- (c) When the offense is homicide, either the death of the victim or

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- 1       bodily impact causing death constitutes a result under subsection
- 2       (b)(1). If the body of a homicide victim is found in Indiana, it is
- 3       presumed that the result occurred in Indiana.

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